

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND)	
SOUTHWEST AREAS PENSION FUND;)	
and ARTHUR H. BUNTE, Jr., as Trustee,)	
)	Case No. 12-CV-1148
Plaintiffs,)	
)	Judge Ruben Castillo
v.)	
)	
MASON P. OGLESBY III,)	
)	
Defendant.)	

MOTION FOR REVIVAL OF JUDGMENT

NOW COME Plaintiffs, through their attorneys, and move this Court for revival of the Judgment entered against Defendant and in support thereof, state as follows:

1. On February 17, 2012, Central States, Southeast and Southwest Areas Pension Fund (“Central States”) instituted this lawsuit against Defendant, Mason Oglesby, III, pursuant to sections 502(g)(2) and 4301(b) of the Employee Retirement Income and Security Act (“ERISA”), 29 U.S.C. §§ 1132(g)(2) and 1451(b), for collection of delinquent withdrawal liability.

2. This Court entered a Judgment in favor of Plaintiffs and against Defendant on May 9, 2012, in the amount of \$43,370.78. The Judgment amount consists of \$32,461.76 in withdrawal liability principal, \$2,537.42 in interest, \$6,492.35 in liquidated damages; \$1,879.25 in attorneys’ fees and costs as allowed pursuant to 29 U.S.C. § 1132(g) (see copy of Judgment Order attached hereto as Exhibit A).

3. The Judgment entered against the Defendant remains unsatisfied.

4. On June 18, 2012, Plaintiffs registered the Judgment in the Northern District of Ohio.

5. On June 18, 2012, Plaintiffs filed a Certificate of Judgment Lien Upon Land and Tenements in the Eastern Division of Akron Ohio, in the amount of \$43,370.78, on all real property owned by Defendant (a true and accurate copy is attached hereto as Exhibit B).

6. Ohio Rev. Code § 2329.07(B)(1) states that a judgment is “dormant and shall not operate as a lien against the estate of the judgment debtor” after five (5) years from the date of the judgment.

7. Under Ohio Rev. Code § 2325.15, a judgment may be revived by the court in which such judgment was rendered. An action to revive a judgment can be brought within ten (10) years from the time it became dormant. Ohio Rev. Code § 2325.18(A).

8. Plaintiffs submit this Motion for Revival of Judgment in accordance with Ohio law and further submit that interested parties have been notified of this Motion as evidenced by the Certificate of Service attached hereto.

9. Post judgment interest through August 30, 2017, has accrued on the Judgment in the amount of \$13,975.82.

10. Plaintiffs have not expended any court costs.

11. No credit has been applied to the Judgment.

12. Plaintiffs submit along with this Motion a draft Order Reviving Judgment, attached hereto as Exhibit C.

August 24, 2017

Respectfully submitted,
/s/ Caitlin M. McNulty
Caitlin M. McNulty, Esq.
CENTRAL STATES FUNDS
Law Department
9377 W. Higgins Road, 10th Floor
Rosemont, Illinois 60018
Telephone: (847) 939-2463
Email: cmcnulty@centralstates.org
ARDC No. 6317985

CERTIFICATE OF SERVICE

I, Caitlin M. McNulty, one of the attorneys for Central States, Southeast and Southwest Areas Pension Fund, hereby certify that on August 24, 2017, I served the forgoing *Motion for Revival of Judgment*, via UPS Next Day Air Mail to:

Mason Oglesby, III
430 Cleveland Rd.
Norwalk, OH 44857-9028

/s/ Caitlin M. McNulty
Caitlin M. McNulty, Esq.
CENTRAL STATES FUNDS
Law Department
9377 W. Higgins Road, 10th Floor
Rosemont, Illinois 60018
Telephone: (847) 939-2463
Email: cmcnulty@centralstates.org
ARDC No. 6317985

August 24, 2017